

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 EDDIE PAGE and IAN BLANKENSHIP, )

9 Plaintiffs, )

10 v. )

11 GRANDVIEW MARKETING, INC., et al., )

12 Defendants. )  
13  
14

2:09-cv-1150-RCJ-GWF

**ORDER**

15 Currently before the Court is Defendants' Request for Attorneys Fees in Compliance  
16 with LR 54-16 (#144). The Court heard oral argument on January 21, 2011.

17 **BACKGROUND**

18 Plaintiffs Eddie Page, Ian Blankenship, Thomas Levandoski, Michael Moretti, and Joyce  
19 Vance sued Defendants Grandview Marketing, Inc. and Kevin Sheehan for failure to pay  
20 overtime wages. On November 5, 2009, Blankenship sent an e-mail to Plaintiffs' attorneys  
21 stating that he did not want to continue with the case. (See Blankenship Email No. 1 (#107)  
22 at Ex. A). In February 2010, Plaintiffs filed an amended complaint. (Amended Complaint  
23 (#80)). In April 2010, Defendants filed a motion for summary judgment against Blankenship,  
24 arguing that he no longer wished to pursue the action and was exempt from the Fair Labor  
25 Standards Act's overtime provisions. (Mot. for Summary Judgment (#87)). Rather than  
26 respond, Plaintiffs moved for an extension of time. (Mot. to Extend Time (#89)). On May 10,  
27 2010, Blankenship sent an e-mail to his attorneys reasserting his decision to not be involved  
28 in the lawsuit. (See Blankenship Email No. 2 (#107) at Ex. B). On May 20, 2010, Blankenship

1 moved to voluntarily dismiss his claims against Defendants without prejudice. (Mot. to Dismiss  
2 (#101)).

3 In an order, this Court dismissed Blankenship's case with prejudice and awarded  
4 Defendants' attorneys' fees because "Defendants have incurred costs of defending  
5 Blankenship's claims for over a year." (Order (#141) at 4). This Court agreed "with  
6 Defendants that Blankenship's attorneys unreasonably and vexatiously multiplied the  
7 proceedings, and . . . order[ed] them to pay the attorneys fees and costs as requested." (*Id.*  
8 at 5). This Court ordered Defendants' attorneys to file a separate affidavit and a proposed  
9 order for this purpose. (*Id.*).

10 Defendants' filing is now before the Court.

#### 11 DISCUSSION

12 Defendants filed a motion in compliance with LR 54-16. (Mot. for Att'y Fees (#144)).  
13 Defendants seek attorneys' fees in the amount of \$12,706.00 for work performed between  
14 November 5, 2009, when Blankenship sent his first email to his attorneys stating that he did  
15 not want to participate in the lawsuit, through May 2010, when Blankenship sent his second  
16 email to his attorneys stating that he did not want to participate in the lawsuit and when his  
17 attorneys complied with his wishes. (*Id.* at 3-4). Defendants do not seek costs. (*Id.* at 3).

18 In response, Plaintiffs' attorneys argue that Blankenship authorized them to continue  
19 to represent him throughout the case until May 10, 2010, and, thus, Defendants are not  
20 entitled to attorneys' fees spent on discovery or drafting their motion for summary judgment.  
21 (Opp. to Mot. for Att'y Fees (#149) at 2). Alternatively, Plaintiffs' attorneys argue that the  
22 factors for reasonable and necessary attorneys' fees do not support the amount claimed by  
23 Defendants because Defendants filed their motion for summary judgment six months ahead  
24 of the Court's schedule for dispositive motions. (*Id.* at 4). They argue that Defendants should  
25 not recover any attorneys' fees. (*Id.* at 4-5). However, they assert that, if attorneys' fees are  
26 awarded, this Court should order fees against the Tran Law Firm, LLP, only and not against  
27 local counsel Leon Greensberg. (*Id.* at 5).

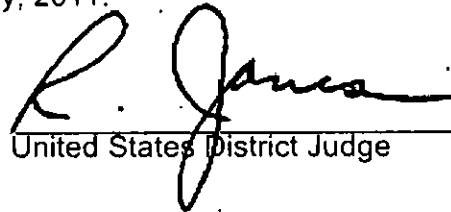
28 Here, Plaintiffs' attorneys attempt to re-litigate decisions this Court already has made.

1 In this Court's previous order, this Court found that Defendants were entitled to attorneys' fees  
2 after November 5, 2009. (See Order (# 141) at 4-5). Thus, Plaintiffs' attorneys attempt to,  
3 once again, argue that they had authority through May 10, 2010, to continue with the lawsuit  
4 is unavailing. (Compare Order (#141) at 4, with Opp. to Mot. for Att'y Fees (#149) at 3).  
5 Accordingly, this Court grants Defendants' request for attorneys' fees (#144) against the Tran  
6 Law Firm, LLP.

### 7 CONCLUSION

8 For the foregoing reasons, IT IS ORDERED that Defendants' Request for Attorneys  
9 Fees in Compliance with LR 54-16 (#144) is GRANTED against the Tran Law Firm, LLP in the  
10 amount of \$12,706.00.

11  
12 DATED: This 4th day of February, 2011.

13  
14   
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28